

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI (Northern (Jackson))**

HOWARD BROWN and)	
BRANDON SIBLEY,)	
)	
Plaintiffs,)	
)	
V.)	Civil Action No. 3:23-cv-127-DPJ-FKB
)	
CHOCTAW RESORT)	
DEVELOPMENT ENTERPRISE,)	
ET AL.,)	
)	
Defendants.)	
_____)	

**MOTION TO STAY ALL PROCEEDINGS IN THIS CASE, INCLUDING PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT (DOC. 13)**

COME NOW the Defendants by and through their counsel of record, C. Bryant Rogers, VanAmberg, Rogers, Yepa, Abeita, Gomez & Wilkinson, LLP, and hereby moves that the Court stay all further proceedings in this case, and in support of this Motion, state as follows:

1. Plaintiffs have sought dismissal of this suit for Plaintiffs’ failure to exhaust tribal remedies (Doc. 6). That request is now fully briefed and pending before the Court.
2. Plaintiffs’ Motion for Summary Judgment (Doc. 13) goes to the merits of some of their claims and could not properly be ruled upon by this Court until and after Defendants’ pending Motion to Dismiss for Failure to Exhaust Tribal Remedies (Doc. 6) is ruled upon by the Court; and, then only if that Motion to Dismiss were denied. If Defendants’ pending requests that this entire suit be dismissed for Plaintiffs’ failure to exhaust tribal remedies as sought at Doc. 6 is granted, the Court will be dismissing Plaintiffs’ Complaint for failure to exhaust their tribal remedies. Hence, Plaintiffs’ Doc. 13 this Motion is not properly before this Court at this time and in the interests of judicial economy and in fairness to Defendants they should not be required to

respond to Plaintiffs' Doc. 13 Motion for Summary Judgment unless the Court denies Defendants' request for dismissal, nor should any other proceedings be permitted pending this Court's ruling on the pending dismissal request.

3. Defendants have this date also filed a Memorandum in support of this Motion.

WHEREFORE, Defendants' pray that the Court stay all proceedings in this case, including any further proceedings based on Plaintiffs' Doc. 13 Motion for Summary Judgment, and for such other and further relief as the Court deems just.

Respectfully submitted,

VanAMBERG, ROGERS, YEP, ABEITA
GOMEZ & WILKINSON, LLP

By: /s/ C. BRYANT ROGERS
C. BRYANT ROGERS
Post Office Box 1447
Santa Fe, NM 87504-1447
Phone: (505) 988-8979
Fax: (505) 983-7508
E-mail: cbrogers@nmlawgroup.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to the Plaintiffs by United States Mail, postage prepaid, on August 4, 2023.

/s/ C. BRYANT ROGERS
C. BRYANT ROGERS